

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	WALCZAK ET AL.)	
)	Examiner S. Bhattacharya
Appl. No.	09/769,122)	
)	Art Unit 2687
Confirm. No.	5562)	
)	Atty. Docket No. CS10560
Filed:	24 January 2001)	
Title:	"Method And System For Validating A Mobile Station Location Fix"		

PRE-APPEAL BIEF REVIEW REQUEST

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Review Request, Claims Pending

The claims stand rejected in non-final Official Action of 25 January 2008. Pre-appeal brief review is requested. A notice of appeal has been filed herewith. Claims 12-1, 20 and 33 were indicated as being allowable. Claims 1-4, 8-9, 11-15, 20-21, 26-27 and 29-33 are pending.

Rejection Under 35 U.S.C. 112

Claims 12-15 and 20 are rejected under 35 U.S.C. 112, second paragraph for allegedly failing to provide an antecedent basis for "the plurality of time stamped prior location fixes."

In Claim 12, the act of "...ordering a plurality of prior location fixes by applying a corresponding time of acquisition attribute thereto..." provides an antecedent basis for "the plurality of time stamped prior location fixes." To amend Claim 12 to recite "a plurality of time stamped prior location fixes", as suggested by the Examiner, may create ambiguity. Thus Applicants decline to amend Claim 12.

Arguments re: Jones & Chou

Rejection Summary

Claims 1-3, 7, 9, 27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2001/0052849 (Jones) in view of U.S. Publication 2002/0055817 (Chou).

Discussion of Claim 1

The Examiner admits that Jones fails to determine whether the "... non-network based location fix is within a specified range of a prior location fix..." wherein the "... range is based on an estimated velocity of the mobile station and a time interval..." between location fixes. The passages of Chou referenced by the Examiner do not meet admitted the deficiencies of Jones. At

paragraph [0062], Chou discusses checking the validity of a GPS signals based on a validity indicator provided by the GPS signal. Monitoring the validity of a GPS signal in Jones is not the same as monitoring the integrity of a GPS location fix. At paragraph [0066], Chou discusses updating GPS position upon the arrival of a valid GPS signal and computing position based on GPS or the value of a terrestrial location position or from a gyro and speed module. Thus Claim 1 is patentably distinguished over Jones and Chou.

Discussion of Claim 27

Regarding independent Claim 27, Jones and Chou fail to suggest a cellular mobile station comprising

... an information processor ... for evaluating the validity of a satellite positioning system based location fix based on at least one prior mobile station location fix stored in memory.

The Examiner admits that Jones fails to disclose "... a satellite based location fix based on at least one prior mobile station location fix stored in memory." The passages of Chou referenced by the Examiner do not meet admitted the deficiencies of Jones. At paragraph [0064], Chou discusses computing (triangulating) location based on a terrestrial RF network when the GPS signal is invalid. Chou also discloses using a prior calculated location fix if the GPS signal and the terrestrial location position are invalid. Claim 27 is thus patentably distinguished over Jones and Chou.

Arguments re: Jones & Sanderford

Rejection Summary

Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2001/0052849 (Jones) in view of U.S. Patent No. 5,917,449 (Sanderford).

Discussion of Claim 21

The Examiner admits that Jones fails to disclose "... estimating a future position fix of the mobile station based on the plurality of location fixes [and] evaluating the validity of a recently generated location fix of the mobile station by determining whether it is within a specified range of the estimated future position fix of the mobile station." The Examiner's reliance on Sanderford does not meet the deficiencies of Jones. Sanderford disclose learning a signature of an area frequented by a user to increase the accuracy of a position fix made at a future time. Sanderford also discloses averaging or weighting previous location fixes to enhance the accuracy of the most recent location fix. Enhancing the accuracy of a position fix in Sanderford is not the same as estimating a future position fix and evaluating the validity of a recently generated position fix. Sanderford also fails to disclose determining whether a position fix is within a specified range of an estimated future position fix. Claim 21 is thus patentably distinguished over Jones and Chou.

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Prayer For Relief

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

/ ROLAND K. BOWLER II /

ROLAND K. BOWLER II 25 APR. 2008
REG. No. 33,477

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